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# KEEPING IN Focus WITH PERSONNEL MANAGEMENT



UNITED STATES-DEPARTMENT OF AGRICULTURE  
Office of Personnel

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## MEMORANDUM

To: Agency Heads  
Assistant Administrators for Management  
Personnel Officers

From: Carl B. Barnes, Director of Personnel

Subject: "WEEDING" as a MANAGEMENT TOOL

### PREPARING for ADVERSE ACTION in UNSATISFACTORY PERFORMANCE CASES

One of the toughest jobs a manager or supervisor faces is in deciding whether to take adverse action against an employee whose performance isn't up to snuff.

But sometimes adverse action is necessary for the good of the employee, his co-workers, and the Department.

We hope this issuance will be of value to you and your supervisors when it's necessary to take adverse action. Inside is a procedural guide, plus an article by Doc Buchanan on "weeding" as a management tool. Your supervisors would also benefit from his thoughts.

What Doc says is right: Adverse action is a tool for good management and not an obstacle to it. The procedures given here were set up in accordance with laws and regulations designed to protect Federal employees from arbitrary adverse action; but even though the procedures do require some hard work, we ought to take adverse action just as often as necessary.

The reason for issuing these guides is this: an "Unsatisfactory" performance rating will no longer be adequate cause for taking adverse action. The Department's policy is that adverse actions for unsatisfactory services will be taken by following the procedures of Chapter 58, of Title 8 AR; paragraph 2228e of which requires that a letter of charges shall contain a concise, factual statement of each specific act of misconduct or deficiency. We hope the guides given here will help you in meeting this requirement.

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## "WEEDING" FOR GOOD MANAGEMENT

by Lee K. Buchanan, M. D.  
Chief, Division of Health, Safety, and Welfare

Carrying out your program requires many things. One is finding those efforts and persons that are hurting your program.

So from time to time you take a long, hard look. As a result you close one project, put new stress on another, or consolidate some projects.

HOW ABOUT WITH YOUR PEOPLE?  
ARE YOU AS HARD-HEADED? DO  
YOU TAKE THE SAME OBJECTIVE  
LOOK?

Or do your eyes cloud with sentimentality and film over with "I should give him another chance." Perhaps you wonder what will happen to the wife and children if you fire the poor worker. Or does one eye see he has to go and the other get inflamed with transferitis?

When these conditions develop, a good way to clear your eyes is to recall the four rules of good management:

. Improve the program.

. Make the best use of public money.

. Maintain and improve the morale, good will, and efficiency of your workers.

. Help your workers grow.

You'll not hurt the employee by early discipline. In fact, you'll help him grow. If you don't discipline him when he needs it, you'll encourage poor work habits, disrespect for authority, and loss of self-confidence and ambition. You may even help the employee get sick by not disciplining him, since emotional and even physical illnesses may develop from an inability to mature. Once you spot unsatisfactory performance, act quickly to get him back on the track.

To insure continuing clear vision, you have to document today's observations--tomorrow they will have dulled through forgetting and forgiving. Just as you tabulate your expenditures and inventory your materials, keep a running tally on your most valuable resources of all. With this "human market report" you'll know when to "buy": recognize a job well done, add responsibility, or promote--or when to "sell": check on, further train, tighten the reins, or punish.

A word of caution before Big Daddy spanks:

IS THE EMPLOYEE FITTED FOR THE JOB  
AND WELL TRAINED FOR IT? DOES HE  
FULLY UNDERSTAND WHAT IS EXPECTED  
OF HIM? DOES HE KNOW ALL THE RULES  
AND WHAT HAPPENS IF THEY AREN'T  
FOLLOWED?

If he had been an effective employee and then changed, be very sure he isn't sick. Remember, the earliest signs of many illnesses (organic or functional) are changes in behavior. Yes, and better take a look at the other part of the day--Maybe his outside world fell apart.

While you're at it, check the whole basket; the real rotten apple may be nearby. Perhaps you haven't noticed the trouble another employee is causing.

Just before you lower the boom, go through this count-down list:

.Did I set a good example?

.Have I recognized his good points?

.Have I made maximum use of his talents? Remember, even the best seed must have good soil, cultivation, sun, and rain to bear fruit.

Don't forget to allow for your tinted glasses: minor little prejudices you may have about age, race, creed, sex, and other slight differences--ethnic, regional, cultural, political. Be sure to correct for differences in sense of humor and sociability. After all, you're judging the fellow for the work he does, not as a prospective son-in-law or neighbor or member of your club.

OKAY--ONCE ALL THE LITTLE  
ALLOWANCES AND CORRECTIONS  
HAVE BEEN MADE, BLAST OFF.  
PREFER CHARGES--AND DO IT NOW.

Remember, the punishment must fit the crime and there must be due process. The rules are clear. They're intended to protect the good boss and good employees--not to make it difficult for you.

I hope the best kids coming along will seek the Federal Service. But we must constantly weed to raise our image, or the best will look elsewhere.

MAY YOUR GARDEN FLOURISH

### PREPARING FOR ADVERSE ACTION

Before you can take adverse action for unsatisfactory service, you have to RECOGNIZE that the employee is doing poor work, INFORM him his position has standards of performance he's not meeting, make a RECORD of the unsatisfactory services, and PREPARE A FILE of evidence to support a letter of charges.

Let's take these steps in order.

#### RECOGNIZE POOR WORK

##### What are "Unsatisfactory Services?"

The letter of charges proposing adverse action because of "unsatisfactory services" should give a number of examples showing the employee has failed in all or most of the major duties of his job.

Examples of poor work may show that he didn't get as much done as was expected of him, that the work he did do wasn't up to par, or that he didn't comply with instructions.

In the case of an employee with many relatively minor duties, it's especially important to show that he's below par in most of them, since any one duty may seem unimportant by itself.

##### Consider "Neglect of Duty"

Evidence for "neglect of duty" doesn't need to show that the employee's performance is unsatisfactory in most of his duties, but it should show that he's neglecting specific instructions or acting contrary to them.

"Unsatisfactory Services" and "Neglect of Duty" are not the same. Action more severe than a suspension for one pay period generally isn't taken for a first offense of "neglect of duty."

The guides given here are pegged to a letter of charges for "Unsatisfactory Services," but in the main they're also applicable to the more limited evidence needed for a charge of "Neglect of Duty."

#### Face the facts

Wishing won't make the poor performer get on the stick. Early discipline works best, and you need to start recording his poor performance early. Documentation and a decision whether or not to take action for "Unsatisfactory Services" should not be postponed.

## Adverse Action Procedures

### INFORM THE EMPLOYEE

You must notify the employee - by discussion or written notice - that his work is unsatisfactory. This notice must be given to the employee at least 30 days before you issue the letter of charges. Evidence of this notification should be put into the record, and the letter of charges must refer to the notification.

### RECORD POOR WORK

Keep a running record of all instances of unsatisfactory work. Give dates and times, places, witnesses present, the specific failures, and which instructions or standards of performance were violated. When you begin documentation, warn the employee by telling him what you're doing.

Make entries in the record at regular intervals. Don't stop because the work rises above par temporarily.

### MAKE A FILE

Your file of evidence must back up everything in the letter of charges. A letter of charges should not be issued unless the file of evidence presents a *prima facie* case to support the proposed adverse action.

There are two aids in assembling the file: (1) Keep a running record; and (2) Prepare an outline of the reasons the employee should be removed, demoted, or reassigned--just as they'd appear in the letter of charges.

In preparing the file and the outline you'll want to remember that the typical letter of charges for "unsatisfactory services" should include:

- .Previous notices to the employee that his services have not been satisfactory;
- .Statement of the standards of performance required in each of the areas of poor work;
- .Instructions given the employee; and
- .Descriptions of instances in which he failed to meet standards or follow instructions.

### What kind of evidence is needed?

You'll need statements from people who have direct, personal knowledge of the facts. The file should also include published standards, instructions, etc., which should be prefaced by statements by persons having direct knowledge of their applicability to the job of the employee in question.

Examples of unsatisfactory work might also be in the file. But unsigned copies of reports, or memos signed by someone who does not have direct knowledge of the facts described, are NOT good evidence.

How much evidence is needed?

Statements about an event should be gotten from all witnesses, and corroboration for statements by the immediate supervisor should be obtained whenever possible.

Where do you look for evidence?

1. For evidence of the previous notice of unsatisfactory performance, you may use a copy of the notification and certificate of delivery, or a signed statement by the supervisor certifying oral notification.

2. For evidence on standards of performance, look to written standards provided the employee and certify when he was told of them. If he missed a deadline or produced too little, the expected or normal performance may be established through statements from the supervisor and fellow workers who know what the expected production is.

Written instructions may be found which give deadlines, performance expectations, and required methods of work. These should be included in the file along with written statements from persons with knowledge of the application of these guides to the employee in question.

3. Instructions to the employee may be established by copies and statements from the supervisor and witnesses. Correspondence prepared in connection with internal audits may disclose that he was instructed to correct unsatisfactory aspects of his work. Actual receipt of the instructions must be proved. Statements from persons conducting training sessions in which these were given would be evidence.

4. The basic evidence of specific instances of poor work should be in the running record. In addition, corroboration for the record should be gotten in the form of written statements by witnesses or examples of the unsatisfactory work. Make this evidence as specific as possible. For example:

Rather than alleging that an employee failed to produce a satisfactory amount of typing and that the typing she did perform was carelessly done the letter of charges should state--and the evidence should prove--that during a period (specified by date) she turned out only 14 items of typing, though she was supposed to produce 50, and that 10 of those were unsatisfactory because of X, Y, and Z errors.

The items of poor typing should be identified as to date, subject, name of addressee, etc. To support the charge of a poor job of typing, copies of the 10 unsatisfactory items should be in the file, plus statements by persons with direct knowledge of the number of items completed by her that week, the number considered normal, and the reasons the 10 were unsatisfactory.

Adequate preparation before the recommendation for charges will pay big dividends in expediting the action after the recommendation.



